(3)

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

Cr. A Transfer A Petition No. 07 OF 2006

(Under Section 407 Code of Criminal Procedure)

PETITIONERS : 1. Satya Poojan Mishra, son of Shri Shankar Mishra, aged about 38 years.

2. Vijay Kumar Mishra, son of Shri Shankar Mishra, aged about 30 years.

3. Ajay Kumar Mishra, son of Shri Shankar Mishra, aged about 23 years

All residents of Village-Shiv Mandir Dafai, Koriya Collery Police Station-Chirmiri, District-Koriya,(C.G.)

483506

Filed on 09/11/06

By Shri Arun Kishore

Advocate 9/11/06

R & S R. (J)

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8-11-06
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V E R S U S

RESPONDENT State of Chhattisgarh, Through Station House Officer, Police Station-Baikunthpur, District-Sarguja(C.G.)

PETITION UNDER SECTION 407 CODE OF CRIMINAL PROCEDURE

Petitioners

(22)

XI HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Tr. Pet. (Cr.) 07/ सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	22.6.2007 Mr. Sunil Sahu, Advocate for the applicant. Mr. Ashish Shukla, Govt. Advocate for the State. Heard. The applicant has preferred this application under Section 407 of the Cr.P.C. for transferring Criminal Case No.127/07, trial of which is pending in the Court of Judicial Magistrate 1st Class, Baikunthpur, to some other Court out of Baikunthpur. It is contended that the applicant had made certain complaints against the Investigating Officer of the said case, Shri Praduman Tiwari, A.S.I., Police Station Baikunthpur and therefore, the above police officer is keeping grudge against the applicant and there is every likelihood that he may implicate the applicant in a false criminal case when he goes to attend the proceedings of pending criminal case. He further submits that earlier he had preferred an application before learned Sessions Judge, Sarguja under Section 409 of Cr.P.C. for transfer of the case., however, the same has been dismissed vide order of Annexure A-1 dated 18.9.2006. I have heard learned counsel for the applicant. It is not in dispute that the charge sheet has already been filed in the Court of Judicial Magistrate 1st Class, Baikunthpur and role of Investigating Officer in the above criminal matter has come to an end. So far as the apprehension of the applicant that he may be harassed and implicated in a false case by the said police officer while he goes to Baikunthpur to attend the hearings is concerned, in case such contingencies arises, it shall be open to the applicant to bring this fact into the knowledge of higher police authorities as also to the concerned Magistrate and seek relief in this regard. The transfer of above criminal case on the grounds stated in the petition is not sufficient. With the aforesaid observations, the application is disposed of. Sd/- DHIRENDRA MISHRA Judge	